


2017 Rec'd PCT/PTO 22 JUN 2001

FORM PTO-1390 OFFICE (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK		ATTORNEY'S DOCKET NUMBER 500852000101	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. § 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/869002	
INTERNATIONAL APPLICATION NO. PCT/US99/31230		INTERNATIONAL FILING DATE 29 December 1999 (29.12.99)		PRIORITY DATE CLAIMED 29 December 1998 (29.12.98)	
TITLE OF INVENTION HEAT TOLERANT BROCCOLI					
APPLICANT(S) FOR DO/EO/US BARHAM, Robert and JOYNT, David					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.					
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.					
3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.					
4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).					
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))					
a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau) (including Request, Description, Claims, Abstract, Drawing)					
b. <input type="checkbox"/> has been communicated by the International Bureau.					
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).					
<input type="checkbox"/> An English language translation of the International Application under PCT Article 19 (35 U.S.C. 371(c)(2)).					
a. <input type="checkbox"/> is attached hereto.					
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).					
<input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).					
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).					
b. <input type="checkbox"/> have been communicated by the International Bureau.					
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.					
d. <input checked="" type="checkbox"/> have not been made and will not be made.					
<input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).					
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (signed).					
10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
Items 11. to 19. below concern document(s) or information included:					
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.					
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.					
13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.					
14. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210) and cited references.					
15. <input checked="" type="checkbox"/> A copy of the published International Application.					
16. <input checked="" type="checkbox"/> A copy of Form PCT/IPEA/402..					
17. <input checked="" type="checkbox"/> A copy of the Written Opinion (Form PCT/IPEA/408).					
18. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (Form PCT/IPEA/416).					
19. <input checked="" type="checkbox"/> Other items or information: Copies of Forms PCT/IB/301, 304, 306, 308; and return receipt postcard.					
CERTIFICATE OF MAILING BY "EXPRESS MAIL"					
Express Mail Label No.: EL 568 250 172 US			Date of Deposit: June 22, 2001		
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, Attention: United States Designated/Elected Office (DO/EO/US)..					
<div style="text-align: center;">  Elizabeth A. Reicker </div>					

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">09/869002</div>		INTERNATIONAL APPLICATION NO. PCT/US99/31230		ATTORNEY'S DOCKET NUMBER: 500852000101	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1,000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4)\$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)\$100.00				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$690.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$690.00	
Total claims	28 - 20 =	8	x \$18.00	\$144.00	
Independent claims	4 - 3 =	1	x \$80.00	\$ 80.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$.00	
TOTAL OF ABOVE CALCULATIONS =				\$914.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$457.00	
SUBTOTAL =				\$457.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$.00	
TOTAL NATIONAL FEE =				\$457.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$497.00	
				Amount to be refunded:	\$*
				charged:	\$*

a. ☒ A check in the amount of \$497.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 03-1952 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Michael R. Ward, Esq.
 Morrison & Foerster LLP
 425 Market Street
 San Francisco, California 94105-2482

SIGNATURE
 Michael R. Ward
 Registration No: 38,651